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HAYES, SOLOWAY P.C. 3450 E. SUNRISE DRIVE, SUITE 140 TUCSON, AZ 85718			HAMMOND, BRIGGITTE R	
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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/635,174  
Filing Date: August 06, 2003  
Appellant(s): SCHMIEDING ET AL.

Norman Soloway  
For Appellant

**EXAMINER'S ANSWER**

**MAILED**

APR 10 2006

**GROUP 2800**

This is in response to the appeal brief filed November 21, 2005 appealing from the  
Office action mailed March 10, 2005.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

6,296,534	YI	10-2001
5,961,351	Shiu	10-1999
5,513,075	Capper et al.	4-1996

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

***Claim Rejections - 35 USC § 103***

Claims 2,8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yi 6,296,534 in view of Shiu. Regarding claim 2, Yi discloses a plug connector comprising a housing (at 30) including an accommodation chamber (not numbered) and a support plate 165 which is arranged in said accommodation chamber and divides said chamber in first and second sections, a first type of coupling contact 12 being arranged in said first section and a second type of coupling contact 14 being arranged in said second section, wherein two couplings are provided which are mounted to said support plate 16 so as to face away from each other. Yi does not disclose the couplings being USB couplings. However, Shiu discloses that two USB couplings being mounted on a support plate 12 is well known in the art. It would have been obvious to one of ordinary skill to modify the connector of Yi by having two USB couplings 20,22 mounted on a support plate as taught by Shiu for accommodating two USB type plugs connectors.

Regarding claim 8, the first type of contact is a socket insert.

Regarding claim 10, Yi discloses a plug connector comprising a housing (at 30) including an accommodation chamber (not numbered) and a support plate 16 which is arranged in said accommodation chamber and divides the chamber in first and second sections, a first type of coupling contact 12 being arranged in said first section and a second type of contact 14 being arranged in said second section, wherein said support plate 16 is a circuit board. Yi does not disclose the coupling being a USB coupling.

However, Shiu discloses that USB couplings being mounted on a support plate 12 is well known in the art. It would have been obvious to one of ordinary skill to modify the connector of Yi by having two USB couplings 20,22 mounted on a support plate as taught by Shiu for accommodating two USB type plugs connectors.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yi and Shiu as applied to claim 2 above, and further in view of Capper et al. 5,513,075. Yi and Shiu disclose the invention substantially as claimed. However, neither Yi nor Shiu disclose the housing having a mounting flange. Capper et al. disclose a housing 102 having a mounting flange 108. It would have been obvious to one of ordinary skill to modify the connector housing of Yi by providing a mounting flange on the housing to mount to a flat surface as taught by Capper et al.

#### **(10) Response to Argument**

In response to applicant's argument that the references fail to show certain features of applicant's invention (page 5, lines 4-5), it is noted that the features upon which applicant relies (i.e., the requirement of two USB couplings in the second section "mounted to the support plate so as they face away from each other) (page 5, lines 11-12 and page 6, lines 3-6), are not recited in the rejected claim. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Claim 2 only requires a first type of contact arranged in the first section and a second type arranged in the second section, the second type being a USB coupling, wherein two USB couplings are provided which are mounted to said support plate so as to face

away from each other. (It is noted that claim 2 did not require the contacts be "different", nor the two USB couplings to be in the second section).

In response to applicant's argument that "Yi doesn't teach a housing with an accommodation chamber", (page 5, lines 21-22). The Examiner disagrees. Yi discloses a housing as shown in fig. 8 by the dotted lines 30, (see col. 4, lines 58-64), although not mentioned the housing has to have a chamber that accommodates the support plate 16 and contacts.

In response to applicant's arguments against the references individually, (page 6, lines 7-9), one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Yi discloses the invention substantially as claimed. Except for the type of contacts being USB couplings. Shiu was cited only to show that it is well known in the art to have two USB contacts mounted on a circuit board.

In response to applicant's argument that the Examiner has not explained why one would be motivated to combine the references (page 6, lines 10-11). The Examiner replies, Yi discloses the invention substantially as claimed, except for the type of contacts/connectors being USB couplings. Shiu discloses that feature (USB couplings) as being well known in the art. USB stand for "Universal Serial Bus". A USB connector provides a standardized, easy-to-use way of connecting peripheral devices. Just about every peripheral device now made comes in a USB version. Therefore, it would have been obvious to one of ordinary skill to modify the connector coupling of Yi

by providing USB couplings to provide a standardized, easy-to-use way of connecting peripheral devices.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon "improper hindsight reasoning" (page 6, lines 14-15), it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). In the instant case, Yi discloses the invention substantially as claimed, except for the type of contacts/connectors being USB couplings. Shiu was cited to show that it is well known in the art to have USB couplings mounted on a circuit board. USB connectors provides a standardized, easy-to-use way of connecting peripheral devices. Just about every peripheral device now made comes in a USB version. Therefore, changing a device connection to a USB connection is an obvious modification.

In response to applicant's argument that "modifying Yi with Shiu would render the device inoperable" (page 7, lines 14-15). The Examiner disagrees. Combining Yi with Shiu would not render the device inoperable. The only modification to the device of Yi would be a different type of connector, a USB type connector as disclosed by Shiu. Contrary to applicants assumption that a change in orientation and shape would be

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required. Shiu was only cited to show that it is well known in the art to have USB type couplings.

In response to applicant's argument that "Capper does not teach a plug connector including ... contacts including two USB couplings...with an accommodation chamber", (page 8, lines 11-14). The Examiner replies, that Capper was not cited for cited for having those features. Capper was cited for disclosing a connector housing having a mounting flange to mount to a flat surface.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

*Brigitte Hammond*  
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Primary Examiner

Conferees:

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